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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Revision of the Commission's Rules  
to ensure compatibility with enhanced  
911 emergency calling systems

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CC Docket No. 94-102

To: The Commission

DOCKET FILE COPY ORIGINAL

COMMENTS OF THE RURAL CELLULAR ASSOCIATION

Respectfully submitted,  
RURAL CELLULAR ASSOCIATION

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January 9, 1995

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## SUMMARY

RCA concurs with the Commission's tentative conclusion that access to emergency services should be available to consumers of mobile telecommunications services. RCA suggests, however, that the public interest will better be served by the Commission's encouragement of existing market forces to implement the provision of enhanced emergency services. RCA first notes that since mobile access to basic 911 service, through initialized cellular handsets with a valid subscription to service, is already virtually universal, the Commission need not impose a federal mandate for the availability of basic 911 service on mobile telephones. In addition, RCA expects that market forces and competitive pressures will bring enhanced 911 mobile services to the public in the most efficient and economic manner, just as market forces have resulted in the provision of basic 911 mobile service.

RCA supports the Commission's view that federal standards are not warranted at this time to ensure minimal blocking of 911 calls from mobile radio transmitters. RCA suggests that cellular carriers should be permitted to provide cellular handsets which are compatible with text telephone ("TTY") devices in response to demand from customers. Finally, RCA submits that the Commission should not establish specific standards for mobile equipment, manufacture, importation and labeling of enhanced 911 equipment but instead should allow market demand for enhanced 911 services to define the appropriate specifications for such equipment.

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**COMMENTS OF THE RURAL CELLULAR ASSOCIATION**

The Rural Cellular Association ("RCA") submits the following Comments in response to the above-captioned Notice of Proposed Rulemaking ("NPRM"), released by the Commission on October 19, 1994. In keeping with its basic philosophy that all segments of the public should benefit from advanced telecommunications technologies, RCA generally concurs with the Commission's tentative conclusion that access to emergency services should be available to consumers of mobile telecommunications services. RCA is concerned, however, that the Commission's proposal simply to mandate the availability of enhanced emergency services ("E-911") to mobile subscribers is premature and may, in fact, be counterproductive because current technical and logistical impediments may jeopardize the development of a more effective, efficient system. RCA suggests that the public interest will better be served by the Commission's encouragement of existing market forces to implement this important public policy goal.

In support thereof, RCA shows the following:

**I. STATEMENT OF INTEREST**

1. RCA is an association comprised of telecommunications companies providing cellular service to rural America. RCA's members operate more than eighty licensed cellular service areas across the country, making service available to more than 6.5 million people. Through these communications facilities, RCA member companies provide cellular service to small Metropolitan Statistical Areas ("MSAs") and Rural Service Areas ("RSAs").

2. RCA member companies will be affected directly by the rules adopted in this proceeding. The Commission proposes to mandate that mobile radio services offering access to real-time voice services provided on the public switched network must be compatible with E-911 services. As providers of mobile radio services connected to the public switched network, RCA member companies will, therefore, be subject to the rules adopted in this proceeding. Consequently, RCA member companies are parties in interest.

3. Confining its Comments in this proceeding to issues relating to the compatibility of cellular service with enhanced 911, RCA will address the Commission's proposals relating to (1) the availability of 911 services to cellular customers; (2) standards to ensure minimal blocking of 911 calls from cellular radio transmitters; (3) cellular carriers' provision of enhanced 911 features; (4) access to 911 services for text telephone devices; and (5) equipment manufacture, importation and labeling

requirements. With respect to these critical issues, RCA submits that the public interest can be served best through a careful weighing of the cost of implementation by mandate, versus the purported benefit. RCA suggests, moreover, that given the wide divergence among the existing technological capabilities of emergency response centers throughout the country, it may be premature to impose a national standard on the providers of mobile radio services.

## **II. DISCUSSION**

### **A. 911 Service Is Currently Available To Cellular Service Customers.**

4. The Commission recommends that mobile service users have the ability to reach emergency services from any initialized mobile radio handset in a home service area or a subscribed-to roaming service area by dialing 911 without a requirement for user validation.<sup>1</sup> RCA notes for the record that its member companies currently provide access to 911 service free of charge to valid cellular service subscribers.<sup>2</sup> RCA member companies provide such service not only because of members' strong sense of civic responsibility, but also in direct response to market demand. RCA notes that mobile access to 911 service, through initialized cellular handsets with a valid subscription to service, is already

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<sup>1</sup>/ In the Matter of Revision of the Commission's Rules to ensure compatibility with enhanced 911 emergency calling systems ("NPRM") at para. 41, CC Docket No. 94-102, released October 19, 1994.

<sup>2</sup>/ RCA is unaware of any member company which does not provide access to 911 emergency services free of charge.

virtually universal. RCA submits, therefore, that the Commission need not impose a federal mandate for the availability of 911 service on mobile telephones.

5. RCA also notes that the Commission's use of the term "initialized mobile radio handset" could be interpreted to encompass a broader portion of population than may have been intended. Even landline 911 service is unavailable to those customers who, despite having once been "initialized," are no longer subscribers in good standing. RCA suggests, therefore, that it is only reasonable for cellular carriers to provide 911 mobile service to subscribers who not only have "initialized" service, but also maintain a current valid service subscription.

**B. The Provision of Enhanced 911 Capabilities By Cellular Carriers Should Not Be Federally Mandated.**

6. RCA suggests that the Commission's proposal to mandate the provision of enhanced 911 services by cellular and other mobile service providers is neither appropriate nor achievable. While RCA recognizes and supports the important public policy goal of ensuring prompt and accurate response to emergency situations, RCA also recognizes the existing technical and economic impediments that will frustrate implementation. In addition, because the implementation of E-911 access is largely a matter of the capability of local emergency service providers, the imposition of a national standard may frustrate, rather than promote, an orderly approach to ensuring the availability of such services to all segments of the public.

7. In general, the Commission proposes a federal mandate that all radio transmissions of 911 calls eventually must be capable of providing the same features currently available to certain wireline callers over enhanced 911 systems.<sup>3</sup> RCA respectfully submits that the goals to be effected by a federal mandate may be frustrated by the existence of technical and logistical problems. Given the costs associated with deployment of technology with unproven capabilities, the benefits of a federal mandate are unclear.

8. At the outset, it is important to note that the fundamental nature of cellular telephone use is different from wireline telephone use. Cellular service subscribers are, by definition, "mobile." Subscribers generally utilize cellular telephones in cars or on foot to communicate with others when they do not have ready access to the public landline network. Consequently, subscribers generally use mobile communications

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<sup>3/</sup> Specifically, the Commission proposes to mandate a phase-in period during which cellular carriers and other mobile service providers must provide various enhanced 911 services. The Commission proposes to require within one year after the effective date of rules adopted in this proceeding that wireless service providers assign 911 calls priority over non-emergency calls. NPRM at para. 44. The Commission also seeks comment on whether it should amend its rules to require within one year that cellular carriers (and other mobile service providers) be able to relay the location of the nearest base station or cell site to the nearest Public Safety Answering Point ("PSAP"); within three years, that the information provided to the PSAP must include the location and distance of the mobile unit from the base station or cell site; and within five years, that a mobile unit must be located in a three-dimensional environment within a 125 meter radius. NPRM at para. 45-51. In addition, the Commission proposes that wireless systems must provide PSAP with re-ring or call back capability within three years after its proposed rules are effective. NPRM at para. 52.



services in public places. Wireline telephone systems, on the other hand, are generally used in subscribers' homes and work places, or other enclosed areas. Because of this fundamental difference, RCA must respectfully disagree with the Commission's basic assumptions that (i) the need for mobile enhanced 911 services is identical to that of landline customers, and (ii) wireless customers expect access to enhanced 911 services.<sup>4</sup> Moreover, because the benefits of this mandate are so speculative, the burden of associated costs is even more unfair.

9. While the private, secluded nature of homes, offices and other wireline subscriber locations may conceal the existence or extent of an emergency situation, not even landline subscribers enjoy the universal availability of E-911 services. In contrast, the public nature of mobile communications does not give rise to the same concern. Moreover, RCA submits that a large number of cellular 911 calls are those from "Good Samaritans" reporting the fact of an emergency situation. These reporters are not emergency victims, and are, therefore, completely capable of providing the necessary location information to emergency personnel.

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<sup>4</sup> The Commission opines that mobile communications subscribers may be unaware that mobile radio services do not provide the kind of location information that emergency services personnel receive from the wireline network. NPRM at para. 37. RCA notes that the record provides no basis for that assumption, nor, indeed, the assumption that landline subscribers expect, or are even aware of, the features of enhanced 911 service.

10. In addition, RCA submits that cellular service subscribers fully recognize, and expect, that the location of their mobile handsets is constantly changing, thereby allowing them to enjoy the benefits of mobile communications. Whether mobile communications users "expect" enhanced 911 service features is merely a matter of conjecture.

11. Even assuming that the Commission's assessment of need and expectation is accurate, there are technical and logistical impediments to effective implementation of E-911 services through a government mandate. Of crucial importance, it must be recognized that most of the enhanced features contemplated by the Commission are currently unavailable. Even with respect to those features which are technically available today, their utility is questionable. For example, many systems can provide information regarding the specific cell site receiving an emergency call. Despite the existence of this technical capability, however, there remain unanswered implementation issues. Cell site service areas do not necessarily correspond to PSAP response areas, and there is often significant overlap among jurisdictions. Furthermore, even assuming that a carrier is capable of transmitting site-specific information, there is no assurance that the PSAP will be able to utilize the information.

12. Because PSAP facilities themselves vary across the nation, a federal mandate appears to be an inappropriate implementation strategy. Regardless of the voluntary or mandated capabilities of mobile service carriers, delivery and utilization

of E-911 information is dictated by the capabilities of the local emergency service response center. Imposition of costs to meet standards of service which cannot be utilized by the intended beneficiaries is clearly an improper approach. Consequently, the utility of a federal mandate is highly questionable.

13. It is also important to address the issue of the costs which would be incurred upon implementation, whether such implementation is mandatory or, as RCA submits should be the case, as a result of a reasoned business decision to address market demand and competitive pressure. Many of the Commission's proposals are not technically or economically feasible now or within the time frames proposed. The technical advances which would need to be developed and implemented in order for enhanced 911 services to be provided over cellular systems would require tremendous expenditures of capital. If the Commission mandates the provision of E-911 services, resources throughout the supply chain would be dedicated at government dictate, rather than economically allocated by market forces. As experience has shown, the market allocates resources with much greater efficiency than the government.

14. RCA expects that market forces and competitive pressures will bring enhanced 911 mobile services to the public in an efficient and economic manner, just as market forces and a sense of civic responsibility have resulted in the provision of basic 911 mobile service. RCA submits, therefore, that the Commission should not impose a burdensome federal mandate for the provision of

enhanced 911 services by mobile service providers, but should allow mobile operators to provide such features in direct response to customer demand.

15. Should the Commission nonetheless mandate enhanced 911 service provision by mobile systems, RCA respectfully submits that the Commission must also consider an appropriate cost recovery mechanism for mobile service providers. In this regard, RCA notes that, for several years, 911 service provision has been compensable to telephone companies not only by subscribers, but also by 911 service agencies. In the face of a government requirement to provide various enhancements, similar cost recovery mechanisms should be available. The Commission is already familiar with the establishment of funding mechanisms for specialized public service programs, such as that implemented to fund the provision of Telecommunications Relay Service ("TRS").<sup>5</sup>

**C. The Imposition Of Federal Standards To Ensure Minimal Blocking Of 911 Calls From Cellular Radio Transmitters Is Not Warranted.**

16. RCA supports the investigation of technical solutions to ensure minimal blocking of 911 calls from cellular handsets. RCA, however, supports the Commission's view that federal standards are

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<sup>5</sup>/ In the Matter of Telecommunications Relay Services, and the Americans with Disabilities Act of 1990 ("Third Report and Order"), CC Docket No. 90-571, released July 20, 1993. Under this funding method, the costs of interstate TRS are recovered on an annual basis from all common carriers that provide interstate service on the basis of their interstate revenues for the prior calendar year multiplied by a contribution factor determined annually by the FCC. The contribution factor is derived in order to produce the revenues which are anticipated as the funding requirement for provision of TRS during the subject contribution period.

not warranted at this time to ensure minimal blocking of 911 calls from mobile radio transmitters.<sup>6</sup> RCA further agrees that any overall grade of service objective requires a cooperative effort between call initiating, interconnecting, and terminating systems.

**D. Cellular Carriers Should Be Permitted To Provide Text Telephone Devices To Individuals With Speech Or Hearing Disabilities Upon Request.**

17. The Commission proposes to require that radio services must be capable (within one year from the order adopting rules in this proceeding) of permitting access by individuals with speech or hearing disabilities through means other than mobile radio handsets (e.g., through the use of a text telephone device). The Commission notes that under Title II of the Americans with Disabilities Act ("ADA"), all public utilities that provide telephone emergency services were required to provide direct access between TTY users and PSAPs by January 26, 1992.

18. Many cellular carriers currently provide access to emergency services through the Public Switched Network. RCA suggests that cellular carriers should be permitted to provide cellular handsets which are compatible with text telephone ("TTY") devices in response to demand from customers. Again, under this approach, cellular carriers would be able to assess the technical and economic feasibility of TTY compatibility, provide customer education, and provide such equipment in response to requests from customers.

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<sup>6</sup>/ NPRM at para. 43.

**E. It Is Not Necessary For The Commission To Establish Specific Standards and Requirements For Mobile Equipment Manufacture, Importation and Labeling To Promote The Availability Of Enhanced 911 Services To Mobile Users.**

19. RCA submits that the Commission's proposed establishment of specific standards and requirements for mobile enhanced 911 equipment manufacture, importation and labeling is unnecessary. Currently, it is unclear what types of technology will best deliver enhanced 911 features on mobile systems. As market demand for enhanced 911 services become clear, the equipment technologies best suited to provide mobile enhanced 911 service will emerge and industry manufacturers will define and refine the appropriate specifications for such equipment. Thus, it would be premature and costly for the Commission to prescribe these standards now and impose them on industry manufacturers and suppliers.

**III. CONCLUSION**

20. RCA respectfully submits that access to 911 service is widely available to subscribers of cellular service with initialized handsets. While concurring with the Commission's concern regarding the availability of enhanced 911 services to cellular and other mobile service users, RCA submits that imposition of service requirements by government mandate is an inappropriate response to a complicated problem, particularly one in which so many technical and logistical elements are unresolved.

RCA therefore respectfully submits that the most effective and efficient answer to these issues will be found in the response of carriers to market demand and competitive forces.

**Respectfully submitted,**

**RURAL CELLULAR ASSOCIATION**

**By:** David L. Jones

**David L. Jones, Chairman  
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**CERTIFICATE OF SERVICE**

I, Margaret D. Nyland, of Kraskin & Lesse, 2120 L Street, NW, Suite 520, Washington, DC 20037, hereby certify that copies of the foregoing Comments of Rural Cellular Association were served by hand delivery on this 9th day of January, 1995 to the following parties:

  
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